

HUMAN RIGHTS COMMISSION MEETING

APPROVED MINUTES

February 20, 2020

Mr. Ford called meeting to order at 7:05 p.m.

Commissioners Present: Bob Ford (Chair), Scott Markow (Vice Chair), Kui Zhao, Joan Hash, Peter Hwang, Bianca Chang, Leslie Salgado-Tamayo, Mabrooka Chaudhry, Joshua Kaufman

Staff Present: Chaunta Taylor (Recording Secretary), and Yolanda F. Sonnier (Executive Secretary)

Attendees Absent: Melissa Goldmeier (Legal Counsel Present), Musa Jafri (Student), Lynda Earl (Vice Chair), and Joan Hash (Commissioner)

Public Forum:

None

Approval of Minutes:

Scott stated he sent changes by email. Leslie stated that unfortunately she missed the deadline and if it was possible to submit changes. Chaunta yes, please email them to me. Yolanda asked what were the changes and if the commission wanted them to be on record? Leslie stated they were minor typos and asked if possible can the minutes be sent earlier, possibly within a week of the meeting. It's harder to remember what occurred when minutes are sent a week prior to the actual meeting. Yolanda stated I spoke with Chaunta and the minutes will be done 1 week after the meetings. That should give the commission enough time to review them and email any changes to be corrected prior to the meeting.

Commission members **approved** unanimously the **January 16, 2020** (with Scott and Leslie corrections) at the **March 19, 2020** meeting.

Chair's Report:

Bob, Melissa who currently isn't present at this meeting asked that the commission discuss if legal counsel is needed at meetings when there isn't a case up for discussion. There has been discussion that commissioners wanted her to be present during meetings, how does everyone feel about this? Yolanda stated the code states that legal counsel should be present at meetings. Bob stated we didn't do that in the past, Yolanda replied it's the commission decision, Peter chimed in that it's not our discretion if it's in the code. Josh stated he saw it listed in the Rules and Procedures and that's why he inquired about counsel being present. Yolanda stated she will check and confirm where it is listed in the code. Leslie stated she felt there are pros and cons to having counsel during the meetings. Scott tried to locate counsel being present in the code. Joshua asked if there is a county policy on establishing rules and procedures or does the commission have the authority to create them. Yolanda stated to her understanding as a body you can establish rules and procedures that don't violate the code. Commission chimed in I guess that would be a question for legal counsel? The commissioner's deliberated back and forth and determined counsel being present is reflected in the Rules and Procedures not in the Code and this topic needs to be further discussed with legal counsel. Bob will contact Melissa and ask her to attend March 2020 meeting for further discussion.

Bob said lastly on my report is the Human Rights Day @ 9:00am in Annapolis, he plans on attending is anyone else attending the event. Yolanda stated Chaunta and herself will be present.

Executive Secretary Report:

Yolanda handed out the Executive Secretary report and discussed the following:

- Case Report
 - Listed on the handout is the case rundown
 - Two cases presented to HRC in January
 - Appeal denied
 - Reconsideration, 1/16/ meeting scheduled, 1/31 conducted with Complainant by phone conference, 2/5 denied reconsideration, case closed in February
- HBI's reported
 - 1 Anti-Jewish case reported in January
- Part time Outreach Coordinator position
 - Closed with 4 candidates to be interviewed 1 being our current contingent
 - Interviews will be conducted March 4, 2020
- Events (Past/Upcoming)
 - Thank you, Commissioner who attended the Childhood Memories of the Holocaust
 - Thank you, Commissioner who attended MLK
 - The report lists upcoming events in January

Yolanda asked are there any questions before she moved on with her report. Josh asked for the specifics on the HBI. Yolanda responded, a swastika was spray painted on an abandoned vehicle on the side of the road. The victim sold the abandoned vehicle and claims the purchaser spray painted the swastika on the car. The victim stated he's not Jewish despite his last name.

Yolanda explained the process of filing a complainant with the Office of Human Rights as follows:

- How to file a complaint with the Office of Human Rights
 - A complaint can be initiated by completing an inquiry online @ County website, telephone or by walk-in
 - The intake investigator helps the complainant (Cp) with the inquiry form, the complaint is typed by the intake officer on a charge, and the complainant reviews it and signs the charge
 - Employment, Public Accommodation, Law Enforcement and Financing you have 6 months to file from the incident date
 - Housing, you have 1 year from the incident date to file
 - Once we have a signed charge the case is assigned to an investigator
 - 10/15 Day letter is sent to Respondent (Rp) notifying them a case has been filed
 - After 15 Days the case is **authorized** or **dismissed** by the Administrator
 - Administrator reviews the case facts and if there isn't probable cause that discrimination may have occurred, the matter is not authorized for further investigation.
 - Authorization
 - Investigator drafts a letter requesting the Respondent for documentation and they are given a deadline to submit documentation to the office, the Cp is CC:
 - Dismissal
 - Case isn't authorized and investigator drafts and sends dismissal letter to Complainant
 - Cp has 15 days to ask for reconsideration
 - ✚ If Cp requests for a reconsideration file is referred to HRC
 - Interview/Rebuttals
 - The investigator conducts interviews as part of the investigation and conducts site visits. If the Rp has counsel they will meet with them as well.
 - Subpoena can be issued to request documents.

- Finding (NRC/RC)
 - No Reasonable Cause
 - ✚ Through the investigation process the investigator didn't find any discriminatory act occurred
 - Reasonable Cause
 - ✚ Through the investigation process a discriminatory act has occurred
 - Finding is sent out to all parties by certified mail
 - ✚ NRC – Cp has 15 days to appeal
 - ✚ RC – Case goes into conciliation
- Appeal (NRC Finding)
 - Cp notifies HRC by fax, mail or email
 - ✚ File referred to HRC
 - If HRC denies appeal, case is closed
 - ✚ If Cp doesn't appeal case is closed in OHR
- Conciliation (RC Finding)
 - Administrator of Office of Human Rights or the Administrator designates someone to negotiate with both parties to come up with a settlement within 30 days of the finding
 - If parties agree, case is settled, Cp withdraws their Complaint with OHR and the case is closed
 - If no agreement is reached in 30 days, the case is considered failed conciliation and referred to HRC

Yolanda stated that there were two cases that settled through conciliation in February. Those cases won't come to HRC because both parties agreed, the parties will sign an agreement and then the cases will be closed by OHR.

Bob asked if the settlement is mostly monetary?

Yolanda responded it could be monetary or non-monetary. With non-monetary it could be training, updates posted on bulletin board, or a non-discrimination statement signed by employees making them aware of the company's new policy. These are looked at in conciliation and mediation. Speaking of mediation, at the beginning part of the case mediation is offered to both parties as a matter of trying to resolve the case earlier. However, both parties must agree to start the mediation process, but they could request mediation at any point in the investigation. Mediations are now handled within our office by Evelyn Boulware. Ms. Boulware has mediated 6 cases with 5 resolutions. If she is unable to mediate cases, then the investigator will mediate the cases for the other investigator as they can't mediate their own case. If case can't be resolved in mediation, it is returned to the investigator to continue the investigation process.

Yolanda then addressed the resolution of cases; housing cases are supposed to be resolved within 100 days and the other areas are 180 days. If the case isn't resolved within the time frame, a letter is sent to all parties. OHR is working on completing investigations closer to the 100/180-time frame when possible.

Josh asked beside time standards do you have other standards in place for the investigators?

Yolanda responded yes and provided the following:

- Office will be open to 6:30 pm at least 1 day a week for interviews with the Complainants, Respondents and witnesses who can't make it to the office before 5pm;
- Investigators provide a biweekly update on their cases;
- Weekly Investigators meetings. where case status and workload are discussed.

Peter asked, just by curiosity is the intake process by appointment, Yolanda responded they can walk in as well, Peter asked can it be submitted online and email, Yolanda, responded yes, if it's done online we receive an inquire @ OHR email address. Then the intake officer will call them and go over inquiry then set up an appointment to come in to sign a charge. The same with a walk-in. Peter asked what the walk-in percentage, Yolanda requested Chaunta respond since she sat at the front desk. Chaunta responded the Office may get walk-ins maybe once or twice every three months; it is rare that we get walk-ins. Yolanda stated we do have a lot of people that call the office and go online.

Leslie asked, what if people don't speak English, how do you support them? Yolanda responded, our Intake Investigator (David Ruiz) and the Support Tech (Heidi Tilkens) both speak Spanish. For all other languages we have a language line that we call, and they assist with the interpretations.

Josh stated the reason he inquired about OHR standards process was because in an appeal the Cp stated the investigator didn't do their due diligence by talking to all parties and he wasn't sure if that is what is happening in the office with the investigators, but it stood out to him to ask the question. Yolanda responded, that after she authorizes the charge, the case is assigned to an investigator who will setup an appointment to meet with the Cp, Rp and any witnesses. Once the investigator receives the Request for Information (RFI) from the Rp they will have a rebuttal meeting with the Cp to further discuss the response from the Rp RFI. Bob chimed in and stated that's not the first time we had a Cp state in their appeal that the investigator didn't talk to them or either they didn't listen what they had to say. Yolanda indicated sometimes when the Cp states that the investigator didn't listen may mean that the investigator didn't rule in their favor. The investigators are impartial and there are some Cp's who don't understand that they aren't their legal representative. If the Cp isn't happy with the decision of OHR, they can appeal to the HRC.

Bob asked are there any other questions.

Yolanda stated the appeal process is the reason Chaunta and herself are not in HRC closed sessions when discussing hearing appeals because of the potential conflict. HRC and OHR have their own legal counsel to avoid inheriting conflicts.

Yolanda asked any other questions and was her explanation process helpful. Commissioners indicated it was helpful.

Annual Report for 2019:

Yolanda stated one more thing to address, we need to have a conversation about the annual report. Commissioner requested to advise us of what the Commission did regarding outreach and training in 2019. Bob provided the Chair's letter, and we have the awards recipient's information. Chaunta provided everyone with copies of HRC annual report for 2018. Yolanda went through the 2018 list of events and asked the commissioners to confirm if those events were attended by HRC in 2019. The attended events were confirmed, with the corrected dates and times and those they weren't attended were crossed off the list. Leslie asked shouldn't we include Lunar New Year, Kui stated 2018 was the first year or Lunar New Year at the Mall in Columbia and OHR and HRC weren't invited. Yolanda stated we got a table this year and there were concerns brought to Kui. The concern was that the Office of Human Rights wasn't involved in, Kui chimed in and stated the two Chinese organizations were wondering why OHR was organizing and attending some events but not others. Kui stated she reached out to OHR and I explained to the organizations as professional as possible. It's not that HRC/OHR didn't want to participate it was CEX office was handling the planning. OHR requested to participate for next year.

Yolanda stated we are trying to do better with record keeping on tracking events, any suggestions? Mabrooka stated she would volunteer to keep track of events, all she asked is that the commissioners email her the events with a brief rundown.

Yolanda stated that's all as far as the annual report, we need to get this done ASAP.

Chaunta reminded the commissioner picture list for 2019 needed to be reviewed.

Yolanda went down the picture list and confirmed with the commissioners who served in 2019 and who should be removed, then she asked if you haven't submitted an updated picture as requested from Chaunta we will use the one we currently have.

Peter asked the status of the 3 reappointments coming due in March? Yolanda stated that were submitted to Kim Prium and the introduction is on 2/18, public hearing 2/24 and County Council votes 3/2.

Bob asked the status of Hector's vacant position? Peter asked if Kim knows to forward applications to the nominating committee. Yolanda responded they will be sent to Chaunta to be forwarded to the nomination committee. Bob asked was it put on Facebook and Peter chimed in asking if we have a deadline date. Scott inquired about it being posted on Facebook

as well, Yolanda stated yes, we can post it on Facebook. Peter stated can we get a press release and post it on Facebook with a deadline date of March 31, 2020? Scott asked if we sent information to the schools requesting applicants, and if the student position was appointed by CEX? Mabrooka chimed in that she hasn't seen anything posted at the school. Yolanda stated we can ask Kim if we could do a press release, Chaunta chimed in stating she spoke with Kim and was informed since we only have 1 position available it's not needed. Peter asked if we could reach out to CEX and ask the following questions:

- Can they post both positions Commissioner and Student with a deadline date 3/31?
- Are we allowed to post positions on Social Media?
- If no applicants are received can we resubmit the already interviewed and recommended candidates

Then Peter asked if all the commissioners could agree with asking the questions, the commissioners agreed. Chaunta responded she will relay the questions to Kim and inform the commissioners her responses.

Bob moving on to the Committee Reports, did anyone have anything to discuss from the retreat? Yolanda stated when you revisit the Rules and Procedures you may want to have it reflect having the retreat yearly prior to the February HRC meeting. Bob asked how should we go about having it added? It was suggested Melissa be asked at the next meeting. Joshua stated he liked the mission/vision and purpose that they agreed upon at the retreat. Bob asked do we have copies of the mission/vision/purpose statement? Yolanda responded yes, and it will be sent out. Yolanda stated Lynda sent an email requesting a change to the mission or vision statement? Yolanda asked the commission if they wanted to revisit them? Joshua wanted to discuss the mission, vision, and purpose again; Peter responded we spent 2 hours on think they were good, and we should keep them as they are. All commissioners agreed.

Chaunta brought up having a group picture of HRC and Marla Moore (Outreach Coordinator) could come take the picture at the March meeting. The commissioners agreed that it may be hard getting everyone together to take a group picture and it's okay if all of them weren't in the group picture.

Committees Reports Please review reports prior to the meeting. If you have any questions regarding the reports submitted, please bring your questions to the meeting. (**Reports submitted)

Assign Chairs to Subcommittees:

Bob stated now we are moving on to establishing committee chairs, anyone wants to vote on who will be chair on each committee? I (Chaunta) asked if we could go down the list and pick a chair for each one.

Standing Committee

HRC Awards	Bianca, Lynda, Joan	Bianca previously nominated as Chair
Outreach	Bob, Mabrooka, Kui, Leslie	Mabrooka nominated Chair
Nominating	Bob, Joan, Peter, Mabrooka	Peter nominated as Chair
Legislation	Scott, Josh, Peter, Mabrooka	Scott nominated as Chair

Special Committee

Immigration	Joan, Lynda, Scott, Peter, Leslie	Joan previously nominated as Chair
Hate Crimes	Bob, Bianca, Josh, Musa	Joshua nominated as Chair
Census/Voting	Mabrooka, Kui, Musa, Leslie	Kui nominated as Chair

Commission members unanimously **approved** the Chairs

Awards:

Bianca gave an update that we currently have 3 individual nominations for the same nominee. She encourages everyone to send the link out to get more nominations prior to 3/13/2020 deadline. Kui stated she will nominate 2 people and 1 organization. Bob asked where can we find the link and if it's on the Facebook page, I (Chaunta) stated it is on the County website. Bob asked if we had a date for the event? Bianca responded yes, April 16, 2020 @ 6:30pm at the Howard County Conservatory Center after the 5pm HRC meeting and she believes OHR has signed the contract. Yolanda responded that she is still in communication with Denise about the contract, but we still have the space. Leslie asked how many people does the space hold? Yolanda responded 150 people. Leslie asked about the flyer, Yolanda stated that the flyer isn't

finalized because the committee had concerns with Save the Date flyer. Our office went back to the drawing board and she will give the commissioners' copies. Leslie stated her concern was that last year event was nicely put together but it wasn't well attended and she believes it was due to advertising. She has resources and she is willing to help with getting the event advertised if needed. Then she asked has a press release been sent, Yolanda responded the press release will be sent after the winners are selected. That will be done at the March meeting by the commissioners. Bianca asked if the Chair should draft a letter, Yolanda stated Bianca that would be something you would draft as the Chair on the Awards committee. Bianca asked if the letter could be sent out with Bob's signature, Bob said sure. Yolanda added, if you could create a sample template that would be helpful so that other committees could use going forward for events. Bob asked if we could post it on Facebook, Yolanda said yes, we can address all social media questions next week when our social media person returns to the office she is currently out sick.

Bob asked anything to add?

Leslie stated if we could make sure the flyer states the event is open to the public and refreshments will be served.

Bob asked any other committee reports up for discussion?

Immigration Special Status:

Peter stated we will have a report to submit in March, we are meeting as a committee next week.

Joshua asked Peter will your report include specific actions? Peter responded, we are still gathering information at this point.

Bob bought up the immigration Justice meeting is coming up and I think we all have been invited, its start at 6:30pm.

Leslie stated she has flyers if anyone needs the information, Joshua responded I believe we all already have the information.

Hate Crimes:

Joshua stated a report will be submitted soon.

Census/Voting:

Mabrooka talked about the meeting that was attended by Chaunta, Musa and herself. We received updates from Daniel Jones, US Census Bureau, Stephanie Adibe, DCRS and Jackie Scott, DCRS. They talked about the upcoming dates, marketing, and how to identify focus areas and she has the links if anyone is interested. They gave us a map that showed were the important places that outreach need to be done, then we broke into groups and wrote down upcoming events so they will know where they may need to focus on outreach.

Kui stated on March 1, 2020 at Howard County Community College at 10am – 12pm there will be an outreach training preparing Maryland for Census 2020 sponsored by Howard County Chinese School for the APIA (Asian and Pacific Islanders).

New Business/Announcements:

Bob asked any new business to discuss?

Peter asked for clarification on how will the commission pick the sub committees that will be discussed at the next meetings? A commissioner stated, we would pick 3 a month and depending on which one is a priority. Joshua stated it should be 1 of the standing and 1 of the special. Yolanda stated we did awards and outreach, and awards should be done for March as well since the HRC Awards event is in April. Peter stated he just wanted to make sure we are holding ourselves accountable to what we agreed to during the retreat. Yolanda stated you are still submitting reports and remember the committees should meet in the interim. Peter stated can we all agree that every committee will submit a monthly report. The commission agreed and decided in March they will discuss Awards and Immigration.

Leslie stated Friends of Latin America is celebrating International Women's Day and gave out flyers.

Josh stated he won't be at the March meeting.

Yolanda stated she's on the Charter Review Board and they are coming close to submit report to counsel. There will be a public hearing on March 3rd at 7pm at George Howard Building Banneker room. If you have anything you would like to recommend or have change come and testify. There is a recommendation to change the board participation from 5-year commitment to 3 years.

Bob stated Grass Roots is having a silent auction Soup'r and Sundae event on March 15, 2020 11am-2pm hosted by Wilde Lake High School.

Yolanda stated the office will have a table on March 12, 2020 at the Howard County Association of Realtors Conference and Expo at Turf Valley, if anyone wants to volunteer.

CLOSED SESSION:
No cases for discussion

Meeting Adjourned: 8:54pm